

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

RAYMOND N. BROWNING

PLAINTIFF

vs.

NO. 4:05CV01351JMM

MICHAEL J. ASTRUE,
Commissioner, Social
Security Administration

DEFENDANT

ORDER

Plaintiff has filed a motion for attorney's fees pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412 (docket entry #18). Plaintiff seeks an EAJA award in the amount of \$2,722.50 for work done by his attorney at the district court level (18.15 hours at an adjusted hourly market rate of \$150.00).

Under the EAJA, a prevailing social security claimant is entitled to an award of reasonable attorney's fees and expenses unless the Commissioner's position in denying benefits was "substantially justified" or special circumstances make an award unjust. 28 U.S.C. § 2412(d)(1)(A). A claimant who wins a sentence-four remand order, such as the one entered in this case (docket entry #17), is a prevailing party entitled to EAJA fees. *Shalala v. Schaefer*, 509 U.S. 292, 302 (1993). The Commissioner does not contest plaintiff's entitlement to an award of attorney's fees and expenses under the EAJA.

The Court concludes that plaintiff is entitled to an award of attorney's fees under the EAJA and that the amount requested is reasonable. Accordingly, plaintiff's attorney shall receive a total award of \$2,722.50


Accordingly, it is hereby ORDERED

(1) That Plaintiff's motion for attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 (docket entry #18) is granted;

(2) That Plaintiff's attorney is entitled to an attorney's fee in the amount of \$2722.50 pursuant to the EAJA; and

(3) That the Commissioner is directed to certify and pay to Michael C. Angel , attorney for Plaintiff, the amount awarded pursuant to the EAJA.

IT IS SO ORDERED this 4 day of June, 2007.


UNITED STATES DISTRICT JUDGE